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2 AND CROSS-CLAIMS, COUNTERCLAIM,
3 AND CLAIM IN INTERVENTION
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5 I, Thomas M. Tarpley, Jr., submit this supplemental declaration and state as follows:

6 I have been informed by Mr. Thomas C. Sterling, attorney for Navigators
7 Insurance Company, that while his office was served with a copy of the Amended Third-Party
8 Complaint on November 30, 2007, his office has no record of being served with a summons.
9 Upon double-checking my file in this case I find that we have a copy of the Amended Third-Party
10 Complaint stamped received by Mr. Sterling's office, but no stamped received summons. The
11 lack of a stamped received copy of a summons in our file and the statements to me by Mr.
12 Sterling create a reasonable doubt as to whether the summons was actually served on Mr.
13 Sterling's office. The statement in my previous declaration in support of the request for entry of
14 default that a summons was served upon Mr. Sterling on November 30, 2007 was apparently
15 mistaken and the record should be corrected in that regard.

16 I hereby declare under penalty of perjury that the foregoing statements are true except for
17 statements of opinion, which I believe to be true.

18 Dated this 13th day of February, 2008.

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21 THOMAS McKEE TARPLEY
22 Attorney for Defendant, Cross-Claimant
23 and Counterclaimant S. J. GARGRAVE
24 SYNDICATE 2724
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CERTIFICATE OF SERVICE

I, Dorothea Quichocho, hereby certify pursuant to Rule 5(d) Fed. R. Civ. P. that on February 13, 2008, I caused to be served a true and correct copy of the

**SUPPLEMENTAL DECLARATION OF THOMAS M. TARPLEY TO CORRECT
PREVIOUS DECLARATION**, to the following:

**Mike W. Schwab, Esq.
OFFICE OF THE U.S. ATTORNEY
108 Hernan Cortez Avenue, Suite 500
Hagatna, Guam 96910**

R. Michael Underhill
Attorney in Charge, West Coast Office
MIMI MOON
Trial Attorney
Torts Branch, Civil Division
U.S. DEPARTMENT OF JUSTICE
450 Golden Gate Avenue, Room 7-5395
P.O. Box 36028
San Francisco, CA 94102-3463
[Courtesy copy]

Attorneys for Plaintiff and Counterdefendant United States of America

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[Courtesy copy]

Attorneys for Defendants and Cross-Defendants Marwan Shipping & Trading Co.; Five Seas Shipping Co., LLC; and Al-Buhaira National Insurance Company

Thomas C. Sterling, Esq.
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LEON GUERRERO, P.C.
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Stanley L. Gibson, Esq.
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[Courtesy copy]

*Attorneys for Defendant Navigators Insurance Co., dba
Navigators Protection & Indemnity*

1 David P. Ledger, Esq.
2 Elyze J. McDonald, Esq.
2 CARLSMITH BALL LLP
3 Bank of Hawaii Building, Suite 401
134 West Soledad Avenue
4 Hagatna, Guam 96910

5 *Attorneys for Third Party Defendant Inchcape Shipping Services Guam LLC*

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7 Dated this 13th day of February, 2008.

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DOROTHEA QUICHOCHO